

ORDINANCE NO. _____-22

An ORDINANCE AMENDING the Everett Municipal Code to bring it into conformity with recently enacted changes in state housing laws, amending EMC chapters 15.02 Land Use and Project Review Procedures, 19.04 Definitions, 19.05 Uses, 19.08 Residential Uses and Development Standards, 19.13 Specific Use Standards, and 19.34 Parking, Loading and Access Requirements.

WHEREAS,

- A.** Washington State passed several legislative changes to housing-related laws in 2021 including Engrossed Second Substitute House Bill 1220 (HB 1220); and
- B.** HB 1220 prohibits a city from excluding transitional housing or permanent supportive housing in any zones in which residential dwelling units or hotels are allowed and prohibits a city from excluding indoor emergency shelters and indoor emergency housing in any zones in which hotels are allowed with an exception related to proximity to transit; and
- C.** Sections 3, 4, and 5 of HB 1220 related to Emergency Shelters and Housing – Local Planning and Development became effective September 30, 2021; and
- D.** Amendments are necessary for the city’s development regulations to be consistent with HB 1220; and
- E.** Amendments to the city’s development regulations and procedural provisions are included to improve clarity, consistency, and usability.
- F.** This ordinance is consistent with and supportive of goals, policies, and implementation strategies in the Everett Comprehensive Plan, including:
 - a.** **Policy 4.8.8** – Support local and regional efforts to prevent homelessness and provide a range of housing options and support efforts to move homeless persons and families to long term financial independence.
 - b.** **Policy 4.8.12** – Ensure the zoning code provides opportunities for specific types of special needs housing such as, but not limited to, adult family homes, assisted living facilities, senior citizen housing, supportive housing and temporary shelter housing. Continually monitor and update definitions of existing housing types and add new types of housing for the special needs population as necessary.
 - c.** **Implementing Measure 13** – Identify zones within the city suitable for the placement of emergency shelter facilities.

- G.** The Rethink Housing Action Plan adopted by the Everett City Council on October 6, 2021, includes an action to develop a Homeless Housing Program with community partners that addresses current and future needs of unsheltered community members and includes prevention strategies; and
- H.** The amendments to development regulations (unified development code) contained in this ordinance were prepared following the procedural requirements in EMC 15.02.095 and EMC 15.03.300(C); and
- I.** The Planning Commission held briefings on the proposal on April 19, 2022, May 17, 2022, and June 21, 2022, and held a public hearing on the matter on July 19, 2022; and
- J.** The Planning Commission, after hearing from the public and deliberating, voted to approve Resolution 22-02 on July 19, 2022, recommending the city council approve the amendments contained in this ordinance; and
- K.** The proposal has been properly noticed and evaluated consistent with state law and city code; and
- L.** City staff reviewed the proposal under the requirements of the State Environmental Policy Act, completed an environmental checklist, and issued a Determination of Non-Significance on June 22, 2022. No comments were received by the end of the comment period and no appeals were filed by the end of the appeal period date of July 21, 2022; and
- M.** Notice of the proposed amendments was sent to the Washington State Department of Commerce on June 22, 2022, for the required 60-day review. The Department provided suggested comments that have been considered and addressed; and
- N.** The amendments contained in this ordinance are consistent with the Growth Management Act; and
- O.** The amendments contained in this ordinance are consistent with and supportive of the multicounty planning policies in VISION 2050; and
- P.** The amendments contained in this ordinance are consistent with and supportive of the countywide planning policies; and
- Q.** The amendments contained in this ordinance are consistent with and supportive of goals, objectives, and policies in the city's comprehensive plan; and
- R.** The code amendments meet the applicable criteria in EMC 15.03.300(C)(4):
 - 1. The public health, safety and welfare will be provided for by these unified development code amendments; and
 - 2. The proposed amendment bears a substantial relation to public health, safety or welfare; and
 - 3. The proposed amendments promote the best long-term interest of the Everett community.



NOW, THEREFORE, THE CITY OF EVERETT DOES ORDAIN:

Section 1. Subsection EMC 15.02.070(B)(2) is hereby amended as follows, with strikeout text deleted and underlined text added:

2. Modification of Development Standards. The following modification of development standards allowed by this title are included as REV II decisions:
 - a. Accessory dwelling units (Section 19.08.100);
 - b. Modification of lot width requirements or on-site open space standards (Chapter 19.08);
 - c. Modification of specific use standards (Chapter 19.13); and
 - d. Modification of structured parking standards (Section 19.12.110).
 - e. Modification to specific standards for emergency housing, indoor emergency shelters, and outdoor emergency shelters (Section 19.08.200).

Section 2. Subsection EMC 15.02.070(C)(2) is hereby amended as follows, with strikeout text deleted and underlined text added:

2. Specific Land Use Notice Requirements. In addition to the general requirements outlined above, the following notices are required as set forth below:
 - a. Land Divisions.
 - (1) Right to Hearing. Pursuant to RCW 58.17.095, any REV II preliminary plat application shall include a mailed notice which includes a statement that an open public hearing (REV III) shall be held if any person files a request within twenty-one days of publishing the notice.
 - (2) State Highways. Pursuant to RCW 58.17.155, whenever the city receives an application for a short subdivision which is located adjacent to state highway right-of-way, the city shall give written notice of the application to the Washington State Department of Transportation.
 - (3) Adjacent City. Pursuant to RCW 58.17.080, notice of the filing of a preliminary plat of a proposed subdivision adjacent to or within one mile of the municipal boundaries of a city or town, or which contemplates the use of any city or town utilities shall be given to the appropriate city or town authorities.
 - (4) Airport. Pursuant to RCW 58.17.080, notice of the filing of a preliminary plat of a proposed subdivision located within two miles of the boundary of a state or municipal airport shall be given to the secretary of transportation and to the airport

manager.

(5) County. Pursuant to RCW 58.17.080, notice of the filing of a preliminary plat of a proposed subdivision located in the city and adjoining the municipal boundaries thereof shall be given to appropriate county officials.

b. Historic. Those REV II actions that are subject to review by the historical commission shall follow procedures for the conduct of open public meetings.

c. Shorelines. Those REV II actions that are applications for shoreline management substantial development, conditional use, or variance permits shall provide notice as set forth in WAC 173-27-110 and Section 15.02.110(C)(3)(b).

d. Buildings which provide shelter for survivors of domestic violence are exempt from notice to adjacent property owners.

Section 3. EMC 15.02.140 Temporary outdoor encampments, safe parking areas, or tiny home communities is amended as follows, with strikeout text deleted and underlined text added:

EMC 15.02.140 ~~Temporary Outdoor encampments, safe parking areas or tiny home communities~~ Outdoor emergency shelters.

~~Temporary Outdoor encampments~~ emergency shelters, ~~safe parking areas or tiny home communities~~ are subject to the following notice requirements, review process and appeal procedures.

A. *Public Meeting.*

1. A minimum of forty-five calendar days prior to the anticipated start of the ~~encampment~~ outdoor emergency shelter, the sponsor and/or managing agency shall submit an application for an ~~temporary~~ administrative use permit to the planning department and shall participate in a public information meeting organized by the city. The city shall provide mailed notice of the public informational meeting at least ten calendar days before the meeting to the following: (1) owners of property within five hundred feet of the subject property; (2) office of neighborhoods; and (3) any neighborhood organization in the vicinity of the ~~temporary outdoor encampment, safe parking areas or tiny home communities~~ emergency shelter site whose contact information is known to or made known to the managing agency. The sponsor and/or managing agency shall provide to the city the names and addresses of all owners of property within five hundred feet of the subject property. The purpose of the meeting is to provide the surrounding community with information regarding the proposed duration and operation of the ~~temporary outdoor encampment, safe parking areas or tiny home communities~~ emergency shelter, conditions that will likely be placed on the operation of the ~~temporary outdoor encampment, safe parking areas or tiny home communities~~ emergency shelter, ~~requirements of the written code of conduct management plan~~, and to answer questions regarding the temporary outdoor ~~encampment, safe parking areas or tiny home communities~~ emergency shelter.

2. A public meeting is not required for shelters provided for survivors of domestic violence.

B. Notice of Application for ~~Temporary Outdoor Encampments, Safe Parking Areas or Tiny Home Communities~~ Emergency Shelter.

1. A notice of application and copy of the application for ~~temporary an outdoor encampment, safe parking areas or tiny home communities~~ emergency shelter shall be provided prior to the decision regarding the issuance of the permit. The purpose of the notice is to inform the surrounding community of the application. ~~Due to the administrative and temporary nature of the permit, there is no comment period.~~ The notice shall contain, at a minimum, the date of application, comment period date, project location, proposed duration and operation of the ~~temporary outdoor encampment, safe parking areas or tiny home communities~~ emergency shelter, number of residents for the ~~encampment shelter~~, conditions that will likely be placed on the operation of the ~~temporary outdoor encampment, safe parking areas or tiny home communities~~ emergency shelter, and the management plan. ~~requirements of the written code of conduct.~~

2. The completed application shall contain at a minimum contact information for the applicant and detailed information regarding how the applicant will meet the requirements of the ~~temporary administrative~~ use permit and the requirements of the International Fire Code. The managing agency of any ~~encampment outdoor emergency shelter~~ that includes a tent or membrane structure shall comply with the requirements of the International Fire Code as adopted. ~~in excess of two hundred square feet, and canopies in excess of four hundred square feet, as defined by the International Fire Code, shall also obtain a permit and approval for the tent, canopy or membrane structure from the fire marshal.~~ The form of the notice and the application shall be provided by the planning department upon request by the sponsor and/or managing agency. The planning department shall distribute this notice as follows:

- a. A copy of the notice and application, or summary thereof, will be published in the official newspaper of the city at least ten calendar days prior to the decision regarding the issuance of the permit.
- b. A copy of the notice and application, or summary thereof, will be mailed to:
 - (1) Owners of all property within five hundred feet of any boundary of the subject property;
 - (2) Office of neighborhoods; and
 - (3) Any neighborhood organization in the vicinity of the ~~temporary outdoor encampment, safe parking areas or tiny home communities~~ emergency shelter site whose contact information is known to or made known to the managing agency, at least ten calendar days prior to the decision regarding the issuance of the permit.
 - (4) Public notices are not required for shelters provided for ~~persons experiencing~~ survivors of domestic violence.

C. Review Process, Notice of Decision Regarding Issuance of Permit, and Appeal Procedure.



After review of the application for ~~temporary outdoor encampment, safe parking areas or tiny home communities~~ an outdoor emergency shelter, the planning director shall make a decision regarding the issuance of a ~~temporary use permit together with any modifications requested~~. A notice of such decision regarding the issuance of a temporary use permit stating whether the permit ~~is and any modifications are~~ granted or denied, along with information regarding the procedure for appeal of the decision, shall be mailed as required for the notice of application within three business days after the decision. The information regarding the procedure for appeal shall state at a minimum as follows:

1. The deadline for filing a notice of appeal of the planning director's decision is fifteen calendar days from the date the decision is mailed; and
2. The notice of appeal of the planning director's decision shall be filed with the city clerk.
3. The planning director's decision may be appealed to the city's hearing examiner, who has jurisdiction to hear this matter and who will issue the final decision of the city after a public hearing. The notice of the time and place of the public hearing shall be provided to the applicant and to any person who, prior to the rendering of the decision on the permit, made a written request for notice or submitted substantial comments on the application for the permit.
4. The public hearing procedures shall be as specified in Section 15.24.400. The hearing examiner shall issue findings within ten business days of the conclusion of the hearing. Within three business days of rendering the written decision, copies shall be mailed to the applicant and all who have requested notice by signing a register provided at the hearing. The hearing examiner's decision shall constitute the city's final decision. Any appeal of the city's final decision may only be made to Snohomish County superior court in accordance with Chapter 36.70 RCW. The burden of proof on appeal shall be on the appellant.

D. Additional Requirements for Applications Requesting Modification of Standards for ~~Temporary Outdoor Encampment, Safe Parking Areas or Tiny Home Communities~~ Emergency Shelter.

1. The applicant may apply for an administrative use ~~a temporary use~~ permit that applies standards that differ from those in Section 19.08.200(B) only where, ~~in addition to satisfying the requirements in Section 19.05.068,~~ the applicant submits a description of the standard to be modified and demonstrates how the modification would result in a safe ~~temporary outdoor encampment, safe parking areas or tiny home communities~~ emergency shelter under the specific circumstances of the application. Such requests shall be reviewed by the city's ~~hearing examiner~~ planning director ~~at a public hearing~~. The ~~hearing examiner~~ planning director shall make a decision regarding the issuance of a ~~temporary use~~ permit and modification of standards. ~~The~~
2. ~~Notice of the request for modification of standards of the time and place of the public hearing shall be provided with a ten-day comment period to the applicant and to any person who, prior to the rendering of the decision on the permit, made a written request for notice or submitted substantial comments on the application for the permit. The public hearing procedures shall be as specified in Section 15.02.200.~~

~~23. The hearing examiner planning director shall issue findings within ten business days of the conclusion of the hearing following the notice comment period. Within three business days of rendering the written decision, copies shall be mailed to the applicant and all who have requested notice to the planning director, by signing a register provided at the hearing. The hearing examiner's planning director's decision shall constitute the city's final decision. Any An appeal of the city's final decision planning director's decision may be to the hearing examiner in accordance with EMC 15.02.600(D)(2). only be made to Snohomish County superior court in accordance with Chapter 36.70 RCW.~~

3. In considering whether the modification should be granted, the city shall first consider the effects on the health and safety of residents and the community. The burden of proof shall be on the applicant.

Section 4. Subsection EMC 19.04.050 "Group housing, temporary shelter", which reads as follows:

"Group housing, temporary shelter" means a shelter providing temporary housing accommodations (ninety days or less) that includes a sponsor and managing agency, the primary purpose of which is to provide temporary shelter for people experiencing homelessness in general or for specific populations of the homeless, or temporary shelter for people experiencing domestic violence. In addition to shelters which provide shelter for up to ninety days, temporary shelters may also include temporary building encampments, temporary safe parking areas, temporary outdoor encampments or vehicle resident safe parking for the homeless, and temporary tiny house encampments.

is hereby repealed.

Section 5. EMC 19.04.050 is amended to add the following subsections:

"Emergency Housing" has the same meaning as RCW 36.70A.030(9):

"Emergency housing" means any facility that is constructed for the primary purpose of providing temporary indoor accommodations for individuals or families who are homeless, or at imminent risk of becoming homeless, that is intended to address the basic health, food, clothing, and personal hygiene needs of individuals or families consistent with RCW 36.70A.030(9). Emergency housing may or may not require occupants to enter into a lease or an occupancy agreement.

"Emergency shelter, indoor" means any facility that is constructed for the primary purpose of providing shelter for people experiencing homelessness in general or for specific populations of people experiencing homelessness consistent with RCW 36.70A.030(10). People may be granted admittance on a nightly or extended stay basis. Emergency shelters may include day centers that do not provide overnight accommodations. Supportive services may or may not be provided in addition to the provision of shelter.

"Emergency shelter, outdoor" means a facility that provides shelter in temporary structures for people experiencing homelessness in general or for specific populations of people experiencing homelessness. Temporary structure means not affixed to land permanently including tents, vehicles, or other structures not regulated under the building code. People may be granted

admittance on a nightly or extended stay basis.

“Extreme weather shelter, temporary” means a facility intended to house people experiencing homelessness for specific situations such as cold or hot weather or poor air quality conditions. The shelter operations are limited to the duration of the period that the extreme conditions persist. People may be granted admittance either for an overnight stay, during the day, or both.

“Transitional housing” has the same meaning as RCW 84.36.043(2)(c):

“Transitional housing” means a project that provides housing and supportive services to homeless persons or families for up to two years and that has as its purpose facilitating the movement of homeless persons and families into independent living.

Section 6. EMC 19.04.050 Use definitions, residential “Permanent supportive housing” is amended as follows, with strikeout text deleted and underlined text added:

“Permanent supportive housing”, also referred to as supportive housing, has the same meaning as RCW 36.70A.030(16):

“Permanent supportive housing” is subsidized, leased housing with no limit on length of stay that prioritizes people who need comprehensive support services to retain tenancy and utilizes admissions practices designed to use lower barriers to entry than would be typical for other subsidized or unsubsidized rental housing, especially related to rental history, criminal history, and personal behaviors. Permanent supportive housing is paired with on-site or off-site voluntary services designed to support a person living with a complex and disabling behavioral health or physical health condition who was experiencing homelessness or was at imminent risk of homelessness prior to moving into housing to retain their housing and be a successful tenant in a housing arrangement, improve the resident’s health status, and connect the resident of the housing with community-based health care, treatment, or employment services. Permanent supportive housing is subject to all of the rights and responsibilities defined in chapter 59.18 RCW.

Section 7. EMC 19.04.050 “Supportive housing” is amended as follows, with strikeout text deleted and underlined text added:

“Supportive housing” see “permanent supportive housing”. ~~means a combination of housing, including low barrier housing, and services intended as a cost-effective way to help people live more stable and productive lives. The housing type is a multiple-family dwelling owned or sponsored by a qualified nonprofit provider or government entity, designed for occupancy by persons that are either (1) experiencing or at risk of experiencing homelessness; (2) are experiencing a disability that presents barriers to employment and housing stability; or (3) generally require structured supportive services such as case management and twenty-four-hour on-site facility management to be successful living in the community and is intended to provide long-term, rather than transitional, housing.~~

Section 8. Subsection EMC 19.04.060 “Community services”, which reads as follows:

“Community services” means a use operated by a public agency, nonprofit, or other



organizations of a charitable nature generally providing a service to people of the community. Generally, they provide the service on the site or have employees at the site on a regular basis. The service is ongoing, not just for special events. Examples include drug and alcohol centers, social service facilities, soup kitchens, food banks, and surplus food distribution centers.

is hereby repealed.

Section 9. EMC 19.04.060 “Social service facility”, which reads as follows:

“Social service facility” means a facility housing a public or nonprofit agency that provides counseling, therapy or other social or human services to persons needing such services. This definition does not include schools, hospitals, clinics, day care, or residential uses.

is hereby repealed.

Section 10. Chapter 19.04.060 EMC is hereby amended to add the following subsection:

“Social services” means a use operated by a public agency, nonprofit, or other organizations of a charitable nature generally providing a service to people of the community. Staff may be located primarily on site or may be based off site and provide regular hours or visits on site. Generally, they provide the service on the site or have employees at the site on a regular basis. The service is ongoing, not just for special events. Examples include services for behavioral health, counseling, therapy, drug and alcohol rehabilitation, and prepared meal distribution. This definition does not include schools, hospitals, clinics, day cares, food banks, or residential uses.

Section 11. Subsection EMC 19.05.068(J), which reads as follows:

J. Temporary outdoor encampments, safe parking areas or tiny home communities.

1. See EMC 19.08.200 regarding standards for temporary outdoor encampments, safe parking areas or tiny home communities.
2. See EMC 15.02.140 regarding notice requirements, review process and appeal procedures for temporary outdoor encampments, safe parking areas or tiny home communities.

is hereby repealed.

Section 12. EMC 19.05.080 Table 5-1 is hereby amended as shown in Exhibit 1, with strikeout text deleted and underlined text added.

Section 13. EMC 19.05.090 Table 5-2 is hereby amended as shown in Exhibit 2, with strikeout text deleted and underlined text added.

Section 14. EMC 19.05.110 Table 5-4 is hereby amended as shown in Exhibit 3, with strikeout text deleted and underlined text added.

Section 15. EMC 19.08.200 is hereby amended as follows, with strikeout text deleted and underlined



text added:

19.08.200 ~~Group housing, temporary shelters.~~ Homeless shelter and housing.
~~Group housing, temporary shelters shall be subject to the requirements of this section.~~

A. Applicability

1. This section applies to the following uses: ~~group housing, temporary shelters~~:
 - a. Emergency Housing
 - b. Indoor Emergency Shelter
 - c. Outdoor Emergency Shelter
 - ~~a. Outdoor encampments, including any temporary tent or structure encampment, or both, and "temporary" meaning not affixed to land permanently and not using underground utilities;~~
 - ~~b. Temporary safe parking areas; or~~
 - ~~c. Temporary tiny home communities.~~
2. This section shall not apply to:
 - a. Emergency or disaster situations as defined by RCW 38.52.010(9); provided, however, that the inability of a sponsor or managing agency to locate a site shall not be deemed to constitute an emergency or disaster.
 - b. Placement of a tiny house or a tiny house with wheels used as a primary residence in a manufactured/mobile home community; provided, that each tiny house contains at least one internal toilet and at least one internal shower or the manufactured/mobile home community provides for the toilets and showers.

B. General provisions.

1. Applications for facilities which provide shelter for survivors of domestic violence do not require notice to adjacent property owners.
2. A religious organization may host individuals or families experiencing homelessness pursuant to RCW 35.21.915, including extreme weather shelters, on property owned or controlled by the religious organization whether within buildings located on the property or elsewhere on the property outside of buildings, subject to the conditions set forth in this section.
3. The city may require an organization to enter into a memorandum of understanding for fire safety that includes inspections, an outline for appropriate emergency procedures, a determination of the most viable means to evacuate occupants from inside a site with appropriate illuminated exit signage, panic bar exit doors, and a completed fire water agreement indicating: (1) posted safe means of egress; (2) operable smoke detectors, carbon monoxide detectors as necessary, and fire extinguishers; (3) a plan for monitors who spend the night awake and are familiar with emergency protocols, who have suitable communication devices, and who know how to contact the fire department.
4. Management Responsibility Plan. Prior to or upon filing a land use application, the managing agency and sponsor shall prepare an emergency shelter management

responsibility plan, which shall be included with their permit application. The management responsibility plan shall, at a minimum, address the details of the facility operations and responsibilities identified in EMC 19.08.200(B)(5) through (7). If children under 18 are allowed in the facility, such as for family shelters, specific provisions must be identified in the management responsibility plan to ensure safety, security, and wellbeing of the minor.

5. *Managing Agency Responsibilities.*

- a. The managing agency and residents of the facility shall ensure compliance with state law and the Everett Municipal Code concerning, but not limited to, drinking water connections, solid waste disposal, human waste, electrical systems, and fire-resistant materials.
- b. The managing agency shall identify a person or persons as a point of contact for the Everett police department that is available at all times.
- c. The managing agency shall maintain an admission process that adequately provides for the safety and welfare of residents of the facility and the community, with particular attention to the safety of children and other vulnerable residents, and may include consideration of the applicant's sex offender status; the number and nature of the applicant's criminal convictions; the number and nature of the applicant's pending criminal cases; or active warrants issued for the applicant's arrest.
- d. The managing agency shall immediately contact the Everett Police Department if, in the opinion of staff or security, a person is a potential threat to the safety of residents of the facility or the community.
- e. The managing agency shall permit inspections of the facility by the city's code compliance officers, building inspector, permit services manager, fire marshal or their designee without prior notice. The managing agency shall implement all directives resulting from such inspections within the given compliance schedule.
- f. The managing agency shall submit an updated management plan to the appropriate city department within thirty days of any changes in operations that are covered in the plan.

6. *Transportation Plan.*

- a. A transportation plan is required.
- b. The facility shall be located within one-half mile of transit service.

7. *Code of Conduct.* The managing agency shall develop a shelter resident code of conduct agreement that addresses expected acceptable conduct during the resident's stay and shall submit the code in the management plan. The code of conduct shall, at a minimum, contain rules that limit adverse impacts within the shelter and the surrounding neighborhood. All residents of an emergency shelter are required to sign the code of conduct agreement, which shall be enforced by the managing agency.

8. *Additional Requirements for Applications Requesting Modification of Standards.* The applicant may request in their application for standards that differ from those in this section only where the applicant submits a description of the standard to be modified and demonstrates how the modification would result in a safe facility under the specific circumstances of the application in accordance with EMC 15.02.140(D).

9. Social services provided as part of an indoor emergency shelter, outdoor emergency shelter, or emergency housing facility are assumed to be provided only for residents of the facility. If social services will be provided on site to non-residents, the use must be reviewed and separately permitted under the appropriate approval process defined in Chapter 19.05 EMC.

~~B. Standards for Temporary Outdoor Encampments, Safe Parking Areas or Tiny Home Communities.~~

~~1. Applicability. These standards apply to any temporary outdoor encampment, safe parking area or tiny home community, hereinafter referred to as "temporary encampments," meeting the frequency and duration standard in subsection (B)(2) of this section.~~

C. Standards for outdoor emergency shelters.

~~2. Frequency and 1. Duration. Outdoor emergency shelters may be approved for a period not to exceed one year. The permit shall specify a date by which the use shall be terminated, and the site returned to pre-shelter conditions. The planning director may grant extensions for up to one year each provided that all conditions have been complied with and circumstances associated with the use have not changed. A request for an extension should be submitted in writing no less than 60 days prior to the end of the expiration date of the permit to ensure continued operations. Temporary outdoor encampments may be approved for a period not to exceed four consecutive months or six months during any calendar year; provided however, that a separation of ninety days between subsequent or established outdoor encampments at a particular site is required. The temporary use permit shall specify a date by which the use shall be terminated. Temporary outdoor encampments may be approved for a period not to exceed four consecutive months or six months during any calendar year; provided however, that a separation of ninety days between subsequent or established outdoor encampments at a particular site is required. The temporary use permit shall specify a date by which the use shall be terminated.~~

2. Maximum size.

a. Outdoor emergency shelters are limited to forty (40) units per site.

b. The maximum number of residents within an outdoor emergency shelter is one hundred (100).

3. Setbacks.

a. Outdoor emergency shelters shall be located a minimum of forty feet from the property line of abutting properties. A lesser setback may be approved if the planning director determines there is sufficient vegetation, topographic variation, or other site conditions that obscures the site from abutting properties.

b. Outdoor emergency shelter units shall meet all setbacks required by the International Fire Code.

4. Fencing. Sight-obscuring fencing is required around the perimeter of the outdoor emergency shelter unless the planning director determines that there is sufficient vegetation, topographic variation, or other site condition such that fencing would not be effective.

5. Lighting. Exterior lighting must be directed downward and contained within the outdoor emergency shelter.

6. Inspections.

a. The managing agency shall permit inspections of the outdoor emergency shelter by the Snohomish health district without prior notice and implement all directives of the health district within the time period specified by the health district.

b. The managing agency shall permit access by the Everett police department and Snohomish County sheriff, without prior notice, to the outdoor emergency shelter site at all times.

7. Other:

a. Units are limited to one hundred twenty (120) square feet and must be spaced at least six (6) feet apart;

b. Electricity and heat, if provided, must be inspected and approved by the city's building official;

c. Space heaters, if provided, must be approved by the city fire marshal;

d. Each unit must have a fire extinguisher;

e. Adequate restrooms must be provided, including restrooms solely for families if present, along with hand-washing and potable running water to be available if not provided within the individual units, including accommodating black water; and

~~3. Encampment Management Responsibility Plan. Prior to or upon filing their land use application, the managing agency and sponsor shall prepare an encampment management responsibility plan, which shall be included with their permit application.~~

~~4. Safe Parking for Religious Organization. Pursuant to RCW 35.21.915, a regional organization may host safe parking efforts at its on-site parking lot without limitations on any other congregationally sponsored uses and the parking available to support such uses during the hosting, except for limitations as follows:~~

~~a. No less than one space may be devoted to safe parking per ten on-site parking spaces;~~

~~b. Restroom access must be provided either within the buildings on the property or through use of portable facilities, with the provision for proper disposal of waste if recreational vehicles are hosted; and~~

~~c. Religious organizations providing spaces for safe parking must continue to abide by any existing on-site parking minimum requirement so that the provision of safe parking spaces does not reduce the total number of available parking spaces below the minimum number of spaces required by Chapter 19.34 EMC.~~

~~5. Temporary Tiny Home Communities. In addition to other provisions of this section, the following requirements must be met for a temporary tiny home community:~~

~~a. The review authority may impose a maximum unit square footage of one hundred twenty square feet, with units set at least six feet apart;~~

~~b. Electricity and heat, if provided, must be inspected and approved by the city's~~

~~building official;~~

~~c. Space heaters, if provided, must be approved by the city fire marshal;~~

~~d. Doors and windows must be included and be lockable;~~

~~e. Each unit must have a fire extinguisher;~~

~~f. Adequate restrooms must be provided, including restrooms solely for families if present, along with hand washing and potable running water to be available if not provided within the individual units, including accommodating black water; and~~

~~g. The review authority may recommend that the organization partner with the regional homeless service providers to develop pathways to permanent housing.~~

~~6. Setbacks.~~

~~a. The temporary encampment shall be located a minimum of forty feet from the property line of abutting properties containing residential uses; any tent, canopy or membrane structure, as defined in the International Fire Code, must be located at least twenty feet away from any building, parked vehicle, internal combustion engines or other tent, canopy or membrane structure.~~

~~b. The temporary encampment shall be located a minimum of forty feet from the property line of abutting properties in commercial or industrial zones, unless the planning director determines that there is sufficient vegetation, topographic variation, or other site conditions that would justify a lesser setback.~~

~~7. Fencing. Sight-obscuring fencing is required around the perimeter of the temporary encampment unless the planning director determines that there is sufficient vegetation, topographic variation, or other site condition such that fencing would not be needed.~~

~~8. Lighting. Exterior lighting must be directed downward and contained within the temporary encampment.~~

~~9. Residents.~~

~~a. No children under eighteen are allowed in the temporary encampment. If a child under the age of eighteen attempts to stay at the temporary encampment, the managing agency shall immediately contact Child Protective Services.~~

~~b. The maximum number of residents within a temporary encampment is one hundred.~~

~~c. All temporary encampment residents must sign an agreement to abide by the code of conduct and acknowledge that failure to do so shall result in the noncompliant resident's immediate and permanent expulsion from the temporary encampment by the managing agency.~~

~~10. Off street Parking. Parking for five vehicles shall be provided.~~

~~11. Transit Services.~~

~~a. A transportation plan is required which shall include provision for transit services.~~

~~b. The temporary encampment shall be located within one-half mile of transit service.~~

~~12. Code of Conduct. A code of conduct is required to be enforced by the managing agency. The code shall contain the following as a minimum:~~

- ~~a. No drugs or alcohol are permitted.~~
- ~~b. No weapons are permitted.~~
- ~~c. No violence is permitted.~~
- ~~d. No open flames are permitted.~~
- ~~e. No trespassing into private property in the host neighborhood is permitted.~~
- ~~f. No loitering in the host neighborhood is permitted.~~
- ~~g. Disturbing neighbors is not permitted.~~
- ~~h. No verbal abuse, intimidating remarks, yelling or degrading remarks against member(s) of the host or host neighborhood are permitted.~~
- ~~i. No verbal abuse, intimidating remarks, yelling or degrading remarks between members of the temporary encampment or managing agency are permitted.~~
- ~~j. No littering on the encampment site or in the host neighborhood is permitted; a weekly trash patrol in the host neighborhood shall be required.~~
- ~~k. Quiet hours shall be observed daily from nine p.m. to seven a.m.~~

~~13. Inspections.~~

- ~~a. The managing agency shall permit inspections of the temporary encampment by the Snohomish health district without prior notice and implement all directives of the health district within the time period specified by the health district.~~
- ~~b. The managing agency shall permit access, without prior notice, to the temporary encampment site at all times for the Everett police department and Snohomish County sheriff.~~
- ~~c. If the city fire marshal finds that fire related concerns associated with an indoor overnight shelter pose an imminent danger to persons within the shelter, the city may take action to limit the availability to host indoor overnight shelter for religious organizations or any other entity. In addition, the city may require an organization to enter into a memorandum of understanding for fire safety that includes inspections, an outline for appropriate emergency procedures, a determination of the most viable means to evacuate occupants from inside a site with appropriate illuminated exit signage, panic bar exit doors, and a completed fire water agreement indicating: (1) posted safe means of egress; (2) operable smoke detectors, carbon monoxide detectors as necessary, and fire extinguishers; (3) a plan for monitors who spend the night awake and are familiar with emergency protocols, who have suitable communication devices, and who know how to contact the fire department.~~

~~14. Managing Agency Responsibilities.~~

- ~~a. The managing agency and temporary encampment residents shall ensure compliance with Washington State statutes and the Everett Municipal Code concerning, but not limited to, drinking water connections, solid waste disposal, human waste, electrical systems, and fire resistant materials.~~

b. The managing agency shall appoint a member to serve as a point of contact for the Everett police department. At least one member must be on duty at all times. The names of the on-duty members shall be posted daily.

c. The managing agency shall take all reasonable and legal steps to obtain verifiable identification from prospective encampment residents and use the identification to obtain sex offender and warrant checks from the appropriate agency. The managing agency will not be conducting the sex offender and warrant checks but will submit to the appropriate agency the verified identification information obtained through such steps. All of the Everett police department's requirements with respect to identified sex offenders or prospective residents with warrants shall be met.

d. The managing agency shall immediately contact the Everett police department if someone is rejected or ejected from the temporary encampment where the reason for rejection or ejection is an active warrant or a match on a sex offender check, or if, in the opinion of the on-duty member or on-duty security staff, the rejected/ejected person is a potential threat to the community.

e. The managing agency shall permit inspections of the temporary encampment by the city's code compliance officers, building inspector, permit services manager, fire marshal or their designee without prior notice. The managing agency shall implement all directives resulting from such inspections within forty-eight hours of notice.

f. Consistent with the Everett building code, the managing agency may not allow in the encampment, without first obtaining a building permit, any structure, other than tents, canopies or other membrane structures, that is greater than one hundred twenty square feet or provides shelter for more than nine persons.

g. The managing agency and temporary encampment residents shall cooperate with other providers of shelters and services for homeless persons within the city and shall make inquiry with these providers regarding the availability of existing resources.

15. Additional Requirements for Applications Requesting Modification of Standards.

a. The applicant may request in their application for standards that differ from those in this section only where the applicant submits a description of the standard to be modified and demonstrates how the modification would result in a safe temporary encampment under the specific circumstances of the application.

b. Requests shall be reviewed by the city's hearing examiner at a public hearing. The hearing examiner shall make a decision regarding the issuance of a temporary use permit and modification of standards. The notice of the time and place of the public hearing shall be provided to the applicant and to any person who, prior to the rendering of the decision on the permit, made a written request for notice or submitted substantial comments on the application for the permit. The public hearing procedures shall be as specified in EMC Title 15.

c. In considering whether the modification should be granted, the city shall first consider the effects on the health and safety of residents and the community. The burden of proof shall be on applicant.

Section 16. Subsection EMC 19.13.030(D) is hereby amended as follows, with strikeout text deleted and underlined text added:

D. *Uses.* The following uses may be considered for adaptive reuse of an existing building in a residential zone:

1. Dwelling units. Density based on underlying zoning plus one additional dwelling unit;
2. Assisted living facilities;
3. Libraries;
4. Museums and art galleries;
5. ~~Social service facilities~~ Social services;
6. Public services;
7. Business incubators;
8. Artist studios;
9. Music venues;
10. Cafes and bistros;
11. Live/work units;
12. Bed and breakfasts;
13. Other uses not listed above if determined through the review process to be compatible with surrounding properties and the immediate vicinity.

Section 17. Subsection EMC 19.13.050(A) is hereby amended as follows, with strikeout text deleted and underlined text added:

A. Adult use businesses shall be prohibited within one thousand feet of:

1. Any area of the city zoned for residential purposes; residential zones shall include the R-S, R-1, R-2, R-2(A), UR3 and UR4 zones and any other residential zone hereafter adopted by the city.
2. Any religious facility or place of worship. For purposes of this section, land uses for which the principal use is not a religious facility or place of worship but which include such a use as an accessory or incidental use to the principal use, such as a chapel within a hospital, a social service ~~facility~~ use which provides religious services such as the Everett Gospel Mission, or other similar arrangement, shall not be deemed to be a religious facility or place of worship.
3. Any public or private school offering general education for students between the years kindergarten through twelfth grade. For purposes of this section, athletic training facilities such as gymnastics, judo, karate, and dance and similar uses shall not be deemed to be a school.
4. Any public park or playground operated by the city; for purposes of this section, bike paths, trails, waterways and boat launches shall not be deemed to be a public park.

5. Any designated community development block grant neighborhood.

Section 18. Chapter 19.13 EMC is amended to add the following section as EMC 19.13.190:

EMC 19.13.190 Temporary Extreme Weather Shelters

Temporary extreme weather shelters are limited to temporary use for the duration of a dangerous weather or environmental event, such as extreme cold, heat, or smoke. The shelter provider shall notify the city forty-eight (48) hours prior to beginning shelters operations. Shelter registration may be required to facilitate communication to the community and ensure fire safety conditions are provided in the facility.

Section 19. EMC 19.34.020 Table 34-1 is hereby amended as follows, with strikeout text deleted and underlined text added:

19.34.020 Required off-street parking spaces.

The minimum number of required off-street vehicle parking spaces shall be determined in accordance with Table 34-1, unless otherwise set forth in this chapter.

Table 34-1: Off-Street Parking Spaces Required

Land Use	Minimum Parking Spaces Required*
RESIDENTIAL	<i>Spaces per dwelling unit unless otherwise indicated</i>
Accessory dwelling unit	1, plus required space(s) for principal dwelling; see EMC 19.34.050(C) for exceptions
Bed and breakfast house	1 per guest room, plus required space(s) for dwelling
Boarding or rooming house, dormitories	1 per 3 bedrooms
Day care, family home or adult family home	2 per dwelling unit, plus 1 for each staff person on shift not living on premises
Dwelling, micro-housing	1 per 2 dwelling units
Dwelling, multifamily	See multifamily (EMC 19.34.025)
Dwelling, single-family (1-unit) detached	2 per dwelling unit; where access is from a private drive: 3 per dwelling unit, except 2 per dwelling on a full-frontage lot that has on-street parking
Dwelling, 2- to 4-unit attached; cottage housing	
Group housing (Category 1 or 2); group housing, temporary shelter; or rooming house	1 per 4 bedrooms, plus 1 per every 2 employees on shift (2 spaces minimum)
Group housing (Category 3), including independent living units in congregate care facility, convalescent or nursing homes	Independent Living Units: 0.75 per dwelling unit or see exception in EMC 19.34.050(D) Congregate care, nursing home, etc. where people are assisted with daily activities: 1 for each 4 beds

Land Use	Minimum Parking Spaces Required*
Supportive housing <u>Permanent supportive housing</u>	As determined by planning director and city engineer, with no less than a minimum of 1 per 4 bedrooms, plus 1 per every 2 employees on shift (2 spaces minimum). When allowed to be less than required for multiple-family housing, must be located within 1,320 feet walking distance of public transit stop, with pedestrian access on sidewalk or safe walking path.
Live/work unit	1 per unit, plus 1 additional space for any unit with 1,500+ square feet of gross floor area
Senior housing	0.75 per dwelling unit
Short-term rentals	See EMC 19.08.150
COMMERCIAL USES	<i>Spaces per square feet of gross floor area of building unless otherwise indicated</i>
Auto, small truck, boat, motorcycle, RV maintenance	1 per 750 square feet
Commercial storage (e.g., ministorage, self-storage)	1 per 6,000 square feet (not including office) - loading lanes may be included as required parking spaces if not left unattended
Day care center, commercial	Whichever is greater: 1 for each 10 children or 2 for each 3 employees on shift; in addition, 1 vehicle loading space for each 20 children
Entertainment (e.g., theaters, clubs, and other completely enclosed amusement uses)	1 per 5 seats or 1 per 400 square feet, whichever is greater
Food or beverage establishment	1 per 200 square feet
Health club or athletic facility	1 per 300 square feet
Lodging (hotels/motels)	1 per guest room
Medical office and clinics, including: - medical and dental offices, clinics, alternative health care	1 per 300 square feet
Office use, including: - general office; laboratories; financial institutions	1 per 400 square feet
Outdoor recreation, commercial	As determined by planning director and city engineer based on parking analysis
Retail trade and services, bulky	1 per 1,000 square feet

Land Use	Minimum Parking Spaces Required*
merchandise (appliance, furniture)	
Retail trade and services, general trade	1 per 400 square feet
Retail trade and services, outdoor including: - auto, boat or trailer sales, retail nurseries, lumberyards, and similar bulk retail uses	1 per 1,000 square feet
PUBLIC AND INSTITUTIONAL USES	
Clubs, lodges, similar uses	1 per 3 persons allowed by building and/or fire codes in the main assembly room or auditorium, plus any parking necessary for eating, drinking establishment on premises
Community and regional parks and recreational facilities	As determined by planning director and city engineer based on parking analysis
Government - limited point of service (e.g., public works yards, fire station, vehicle storage, etc.)	As determined by planning director and city engineer based on parking analysis
Government - administrative and service	As determined by planning director and city engineer based on parking analysis
Hospitals	As determined by planning director and city engineer based on parking analysis
Neighborhood parks and recreational facilities	As determined by planning director and city engineer based on parking analysis
Places of worship or religious facility	1 per 5 seats in the main worship area
Schools (public and private) - elementary and middle, high schools, and institutions of higher education	As determined by planning director and city engineer based on parking and traffic analysis
INDUSTRIAL	
Heavy industrial, manufacturing, or assembly	1 per 1,000 square feet, plus parking for office as required
Light industrial, manufacturing, or assembly	1 per 750 square feet, plus parking for office as required
Warehousing and distribution	1 per 2,000 square feet, plus parking for office as required

* See exceptions and reductions in EMC 19.34.050 or 19.34.060.

Section 20. The following is provided for reference and may not be complete:

EMC Amended/Repealed by this Ordinance	Ordinance History of EMC Amended/Repealed by this Ordinance
EMC 15.02.070	(Ord. 3774-20 § 3 (Exh. 2), 2020.)
EMC 15.02.140	(Ord. 3774-20 § 3 (Exh. 2), 2020.)
EMC 19.04.050	(Ord. 3774-20 § 5(D) (Exh. 3), 2020.)
EMC 19.04.060	(Ord. 3774-20 § 5(E) (Exh. 3), 2020.)
EMC 19.05.068	(Ord. 3774-20 § 5(E) (Exh. 3), 2020.)
EMC 19.05.080 Table 5-1	(Ord. 3774-20 § 5(E) (Exh. 3), 2020.)
EMC 19.05.090 Table 5-2	(Ord. 3774-20 § 5(E) (Exh. 3), 2020.)
EMC 19.05.110 Table 5-4	(Ord. 3774-20 § 5(E) (Exh. 3), 2020.)
EMC 19.08.200	(Ord. 3774-20 § 5(G) (Exh. 3), 2020.)
EMC 19.13	(Ord. 3774-20 § 5(J) (Exh. 3), 2020.)
EMC 19.34.020 Table 34-1	(Ord. 3774-20 § 8 (Exh. 6), 2020; Ord. 3724-20 § 3, 2020; Ord. 3616-18 § 2 (Exh. 1), 2018.)

Section 21. The City Clerk and the codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers, alphabetizing lists, and any internal references.

Section 22. The City Council hereby declares that should any section, paragraph, sentence, clause or phrase of this ordinance be declared invalid for any reason, it is the intent of the City Council that it would have passed all portions of this ordinance independent of the elimination of any such portion as may be declared invalid.

Section 23. The enactment of this Ordinance shall not affect any case, proceeding, appeal or other matter currently pending in any court or in any way modify any right or liability, civil or criminal, which may be in existence on the effective date of this Ordinance.

Section 24. It is expressly the purpose of this Ordinance to provide for and promote the health, safety and welfare of the general public and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this Ordinance. It is the specific intent of this Ordinance that no provision or any term used in this Ordinance is intended to impose any duty whatsoever upon the City or any of its officers or employees. Nothing contained in this Ordinance is intended nor shall be construed to create or form the basis of any liability on the part of the City, or its officers, employees or agents, for any injury or damage resulting from any action or inaction on the part of the City related in any manner to the enforcement of this Ordinance by its officers, employees or agents.

Cassie Franklin, Mayor

ATTEST:

City Clerk

PASSED: _____

VALID: _____

PUBLISHED: _____

EFFECTIVE DATE: _____



EXHIBIT 1

19.05.080 Table 5-1 (residential use table).

USE	R-S	R-1	R-2	R-2(A)	UR3	UR4	NB	B	MU	LI1 LI2	HI	AG	SPECIAL REGULATIONS
RESIDENTIAL USES													
Bed and breakfast houses	C ¹¹	C ¹¹	C ¹¹	C	P	P	P	P	P			A	See EMC 19.08.140. ¹¹ Within the R-S, R-1 and R-2 zones, bed and breakfast houses shall be permitted only in homes individually listed on the national, state or Everett historical register. Homes within historic districts which are not individually listed on the national, state or Everett historical register are not eligible to become bed and breakfast houses.
Dormitory					A	P		P ¹	P ¹				¹ TOD streets: Residential use on the ground floor cannot exceed 25% of the street frontage of the block.
Dwelling unit, accessory	P	P	P	P	P	P ⁵	P	P		P		P	See EMC 19.08.100, Accessory dwelling units. ⁵ Allowed if meeting the minimum density requirements set forth in EMC 19.06.100.
Dwelling, 1-unit	P	P	P	P	P ² ₅	P ² ₅	P ⁵	P ⁵	P ⁵			P	² Allowed on property within a historic overlay zone. ⁵ Allowed if meeting the minimum density requirements set forth in EMC 19.06.100.
Dwelling, 2-unit	C ⁴	P ³	P ³	P	P	P ² ₅	P ⁵	P ⁵	P ⁵			P	See EMC 19.08.030 and 19.08.040 , townhouse and duplex standards in single-family zones, and Chapter 19.09 EMC for all other zones. ² Allowed on property within a historic overlay zone. ³ See Chapter 19.08 EMC for limitations on 2-unit dwellings in the R-1 and R-2 zones. ⁴ Allowed only through the unit lot process for subdividing, as provided by Chapter 19.27 EMC. ⁵ Allowed if meeting the minimum density requirements set forth in EMC 19.06.100 .
Dwelling, 3- to 4-unit				P	P	P	P ¹	P ¹	P ¹	A ⁶			See EMC 19.08.030 and 19.08.040, townhouse and duplex standards in single-



USE	R-S	R-1	R-2	R-2(A)	UR3	UR4	NB	B	MU	LI1 LI2	HI	AG	SPECIAL REGULATIONS
RESIDENTIAL USES													
													<p>family zones, and Chapter 19.09 EMC for all other zones.</p> <p>¹TOD streets: Residential use on the ground floor cannot exceed 25% of the street frontage of the block.</p> <p>⁶Prohibited in the LI2 zone and allowed in the LI1 zone only within Metro Everett. If on a TOD street, residential use on the ground floor cannot exceed 25% of the street frontage of the block.</p>
Dwelling, multiple-family					P	P	P ¹	P ¹	P ¹	P ⁶			<p>See Chapter 19.09 EMC for multifamily development standards.</p> <p>¹TOD streets: Residential use on the ground floor cannot exceed 25% of the street frontage of the block.</p> <p>⁶Prohibited in the LI2 zone and allowed in the LI1 zone only within Metro Everett. If on a TOD street, residential use on the ground floor cannot exceed 25% of the street frontage of the block.</p>
Dwelling, micro-housing						P	A ¹	P ¹	P ¹	P ⁶			<p>¹TOD streets: Residential use on the ground floor cannot exceed 25% of the street frontage of the block.</p> <p>⁶Prohibited in the LI2 zone and allowed in the LI1 zone only within Metro Everett. If on a TOD street, residential use on the ground floor cannot exceed 25% of the street frontage of the block.</p>
Dwelling, cottage housing					P		P						See EMC 19.08.070, Cottage housing.
Emergency housing ¹⁰	A ⁹	A ⁹	A ⁹	A ⁹	A	A	A	A	A	A	A ⁹	A ⁹	<p>See EMC 19.08.200</p> <p>⁹ Use prohibited, except that pursuant to RCW 35.21.915, a religious organization may host the homeless on property owned or controlled by the religious organization whether within buildings located on the property or elsewhere on the property outside of buildings, subject to the conditions set forth in EMC 19.08.200 and an administrative use permit.</p> <p>¹⁰ Buildings which provide shelter for survivors of domestic violence are allowed as a permitted use in all zones.</p>
Emergency shelter,	A ⁹	A ⁹	A ⁹	A ⁹	A	A	A	A	A	A	A ⁹	A ⁹	<p>See EMC 19.08.200.</p> <p>⁹ Use prohibited, except that pursuant to RCW 35.21.915, a religious</p>



USE	R-S	R-1	R-2	R-2(A)	UR3	UR4	NB	B	MU	LI1 LI2	HI	AG	SPECIAL REGULATIONS
RESIDENTIAL USES													
<u>indoor</u> ¹⁰													organization may host the homeless on property owned or controlled by the religious organization whether within buildings located on the property or elsewhere on the property outside of buildings, subject to the conditions set forth in EMC 19.08.200 and an administrative use permit. ¹⁰ Buildings which provide shelter for survivors of domestic violence are allowed as a permitted use in all zones.
<u>Emergency shelter, outdoor</u> ¹⁰	A ⁹	A ⁹	A ⁹	A ⁹	A ⁹	A	A	A	A	A	A ⁹	A ⁹	See EMC 19.08.200. ⁹ Use prohibited, except that pursuant to RCW 35.21.915, a religious organization may host the homeless on property owned or controlled by the religious organization whether within buildings located on the property or elsewhere on the property outside of buildings, subject to the conditions set forth in EMC 19.08.200 and an administrative use permit. ¹⁰ Buildings which provide shelter for survivors of domestic violence are allowed as a permitted use in all zones.
<u>Temporary Extreme Weather Shelter</u>	A ⁹	A ⁹	A ⁹	A ⁹	A	A	P	P	P	P	A ⁹	A ⁹	See EMC 19.13.190. ⁹ Use prohibited, except that pursuant to RCW 35.21.915, a religious organization may host the homeless on property owned or controlled by the religious organization whether within buildings located on the property or elsewhere on the property outside of buildings, subject to the conditions set forth in EMC 19.08.200 and an administrative use permit.
Family home (day care or adult)	P	P	P	P	P	P	P ¹	P ¹	P ¹	P ⁷		P	¹ TOD streets: Residential use on the ground floor cannot exceed 25% of the street frontage of the block. ⁷ Permitted only within an existing dwelling unit.
Group housing, Category 1	P	P	P	P	P	P	P ¹	P ¹	P ¹	P ⁷			¹ TOD streets: Residential use on the ground floor cannot exceed 25% of the street frontage of the block. ⁷ Permitted only within an existing dwelling unit.
Group housing, Category					P	P	P ¹	P ¹	P ¹	P ⁷			¹ TOD streets: Residential use on the ground floor cannot exceed 25% of the street frontage of the block.



USE	R-S	R-1	R-2	R-2(A)	UR3	UR4	NB	B	MU	LI1 LI2	HI	AG	SPECIAL REGULATIONS
RESIDENTIAL USES													
2													⁷ Permitted only within an existing dwelling unit.
Group housing, Category 3					A	P	A ⁸	P ⁸	P ⁸	A ⁸			⁸ TOD or pedestrian streets: prohibited use on the ground floor.
Group housing, temporary shelter—shelters which accommodate 12 or fewer persons	9	9	9	9	€¹⁰	€¹⁰	€¹⁰	€⁸₁₀	€¹⁰	8 9 10	9 10	A¹⁰	See EMC 19.08.200. ⁸TOD or pedestrian streets: prohibited use on the ground floor. ⁹Pursuant to RCW 35.21.915, a religious organization may host the homeless on property owned or controlled by the religious organization whether within buildings located on the property or elsewhere on the property outside of buildings, subject to the conditions set forth in EMC 19.08.200 and an administrative use permit (REV II). ¹⁰Buildings which provide shelter for persons experiencing domestic violence are allowed as a permitted use without a requirement for notice to adjacent property owners.
Group housing, temporary shelter—shelters which accommodate more than 12 persons	9	9	9	9	€	€	€	A⁸	A	9	9	9	See EMC 19.08.200. ⁸TOD or pedestrian streets: prohibited use on the ground floor. ⁹Pursuant to RCW 35.21.915, a religious organization may host the homeless on property owned or controlled by the religious organization whether within buildings located on the property or elsewhere on the property outside of buildings, subject to the conditions set forth in EMC 19.08.200 and an administrative use permit (REV II).
Live/work unit							P	P	P	P	A		See EMC 19.08.125 for live/work unit requirements. See “Uses, accessory to permitted principal uses including home occupations” for residential zones.
Manufactured/mobile/RV park or tiny home community													The entry of manufactured homes, park models, recreational vehicles or tiny homes in an approved manufactured housing community is allowed. See EMC 19.08.210.



USE	R-S	R-1	R-2	R-2(A)	UR3	UR4	NB	B	MU	LI1 LI2	HI	AG	SPECIAL REGULATIONS
RESIDENTIAL USES													
Rooming house					A	P	A ⁸	P ⁸	P ⁸	A ⁷		P	The number of rooms allowed in a rooming house shall not exceed the number of dwelling units allowed by the density standards of the zone in which the property is located; in the event the zone does not have density standards, then the density limits in the comprehensive plan shall be used. ⁷ Permitted only within an existing dwelling unit. ⁸ TOD or pedestrian streets: prohibited use on the ground floor.
Secure community transition facility										C	C		
Short-term rentals	P	P	P	P	P	P	P	P	P			P	See EMC 19.08.150 for short-term rental requirements.

¹ TOD streets: Residential use on the ground floor cannot exceed twenty-five percent of the street frontage of the block.

² Allowed on property within a historic overlay zone.

³ See Chapter 19.08 EMC for limitations on 2-unit dwellings in the R-1 and R-2 zones.

⁴ Allowed only through the unit lot process for subdividing, as provided by Chapter 19.27 EMC.

⁵ Allowed if meeting the minimum density requirements set forth in EMC 19.06.100.

⁶ Prohibited in the LI2 zone and allowed in the LI1 zone only within Metro Everett. If on a TOD street, residential use on the ground floor cannot exceed twenty-five percent of the street frontage of the block.

⁷ Permitted only within an existing dwelling unit.

⁸ TOD or pedestrian streets: prohibited use on the ground floor.

⁹ Use prohibited, except that pursuant to RCW 35.21.915, a religious organization may host the homeless on property owned or controlled by the religious organization whether within buildings located on the property or elsewhere on the property outside of buildings, subject to the conditions set forth in EMC 19.08.200 and an administrative use permit ~~(REV II)~~.

¹⁰ Buildings which provide shelter for ~~persons experiencing~~ survivors of domestic violence are allowed as a permitted use in all zones ~~without a requirement for notice to adjacent property owners.~~



¹¹ Within the R-S, R-1 and R-2 zones, bed and breakfast houses shall be permitted only in homes individually listed on the national, state or Everett historical register. Homes within historic districts which are not individually listed on the national, state or Everett historical register are not eligible to become bed and breakfast houses. See EMC 19.08.140 for additional regulations pertaining to bed and breakfast houses.



EXHIBIT 2

19.05.090 Table 5-2 (commercial use table)

USE	R-S	R-1	R-2	R-2(A)	UR3	UR4	NB	B	MU	LI1 LI2	HI	AG	SPECIAL REGULATIONS
COMMERCIAL USES	(See EMC 19.39.060, Performance regulations—General, regarding requirements to prevent nuisance impacts.)												
Alcohol production, micro—e.g., microbrewery, microdistillery, microwinery						A ¹	A	P	P	P ²	P ²	P	See EMC 19.13.070. ¹ Permitted only on designated residential mixed-use corridor or TOD streets. The use must be located on the ground floor of a residential mixed-use development with no less than 50% of the gross floor area used for single-family or multifamily residential uses. ² See Industrial Uses. Alcohol production is allowed as a primary use without the requirement to include a restaurant, retail, or tasting room.
Automobile drive-through facility								P ³	P ³	P ³			See EMC 19.13.095 for regulations concerning drive-through facilities. ³ In Metro Everett, permitted only in the areas indicated on Map 13-2.
Auto fuel sales								P ⁴	A ⁴	P ⁴	P		⁴ TOD or pedestrian streets: prohibited use.
Automobile, light truck or RV sales or rental								P ⁵		P ⁷			⁵ In the B zone, permitted only on Broadway, Evergreen Way, Rucker Avenue, and on Everett Mall Way with the following condition: On Everett Mall Way, minimum lot area for vehicle sales and related/supportive uses is 2.5 acres. ⁷ Not permitted in the LI1 zone, and in the LI2 zone, only automobile rental is permitted on Airport Road where the minimum lot area for vehicle rental and related/supportive uses is 1.5 acres.
Equipment sales and								P	A	P	P		



USE	R-S	R-1	R-2	R-2(A)	UR3	UR4	NB	B	MU	LI1 LI2	HI	AG	SPECIAL REGULATIONS
COMMERCIAL USES	(See EMC 19.39.060, Performance regulations—General, regarding requirements to prevent nuisance impacts.)												
rental													
Heavy truck and equipment sales										P	P		
Automobile and truck service, light; body repair and painting								P ⁴	P ⁴	P ⁴	P ⁸		See EMC 19.13.140 for light automobile and truck service, body repair and painting. ⁴ TOD or pedestrian streets: prohibited use. ⁸ In HI zone, light vehicle servicing is permitted only in multiple-tenant building or development.
Automobile and truck service, heavy											P		
Automobile dismantling/recycling										P ⁹	P ⁹		⁹ Permitted only in the LI1 and HI zones when completely contained within an enclosed building.
Impound, storage yard, tow yard										P ¹⁰	P ¹⁰		¹⁰ Impound, storage and tow yards shall comply with landscaping and screening requirements of Chapter 19.39 EMC.
Casino, mini								P ¹¹		P ¹¹			See EMC 19.13.170. ¹¹ Mini-casinos are also not permitted within the area defined in Map 13-1.
Convention center								P	P	P			
Day care center, commercial	C	C	C	C	A	P	P	P	P	P	P		
Entertainment and recreation—enclosed in building (e.g., theater, fitness facility)						A ¹	P	P	P ¹²	P ¹²			¹ Permitted only on designated residential mixed-use corridor or TOD streets. The use must be located on the ground floor of a residential mixed-use development with no less than 50% of the gross floor area used for single-family or multifamily residential



USE	R-S	R-1	R-2	R-2(A)	UR3	UR4	NB	B	MU	LI1 LI2	HI	AG	SPECIAL REGULATIONS
COMMERCIAL USES	(See EMC 19.39.060, Performance regulations—General, regarding requirements to prevent nuisance impacts.)												
													uses. ¹² In Metro Everett on TOD or pedestrian streets: Private clubs are a prohibited use on the ground floor.
Entertainment and recreation—not enclosed (e.g., amusement, outdoor arena)								P	C	A	P	C	
Food or beverage establishment						A ¹ ₁₃	P ¹⁴	P ¹⁴	P ¹⁴	P ¹⁴ ₁₅	P ¹⁴		¹ Permitted only on designated residential mixed-use corridor or TOD streets. The use must be located on the ground floor of a residential mixed-use development with no less than 50% of the gross floor area used for single-family or multifamily residential uses. ¹³ Taverns, nightclubs and restaurants with live entertainment prohibited. ¹⁴ Taverns, nightclubs and restaurants with live, amplified entertainment shall be set back a minimum of 100 feet from any residential zone. ¹⁵ Allowed as an accessory use only.
Lodging—hotels, motels								P	P	P			
Offices— excluding clinics, social or human service facility, community services						A ¹	P	P	P	P ¹⁵	P ¹⁵		¹ Permitted only on designated residential mixed-use corridor or TOD streets. The use must be located on the ground floor of a residential mixed-use development with no less than 50% of the gross floor area used for single-family or multifamily residential



USE	R-S	R-1	R-2	R-2(A)	UR3	UR4	NB	B	MU	LI1 LI2	HI	AG	SPECIAL REGULATIONS
COMMERCIAL USES	(See EMC 19.39.060, Performance regulations—General, regarding requirements to prevent nuisance impacts.)												
													uses. ¹⁵ Allowed as an accessory use only.
Offices—Clinics, social or human service facility, community services						A ¹	P ¹⁶	P	P ¹⁷	A ¹⁷			¹ Permitted only on designated residential mixed-use corridor or TOD streets. The use must be located on the ground floor of a residential mixed-use development with no less than 50% of the gross floor area used for single-family or multifamily residential uses. ¹⁶ NB zone: permitted to occupy a maximum of 50% of the gross floor area. ¹⁷ In Metro Everett on TOD or pedestrian streets: Clinics, social or human service facilities, or community services are a prohibited use on the ground floor; provided, however, that the following are not considered clinics for the purpose of this restriction: dentists, psychiatrists, chiropractors, physical therapists, optometrists or ophthalmologists. ^a)Government public health agency uses providing clinical services shall be deemed to be a permitted use on the ground floor within the MU or LI1/LI2 zone. ^b)Health events on a property within the MU or LI1/LI2 zone providing clinical health services to the general public, not exceeding three days in duration and occurring not more than once every 90 days, shall be exempt from the prohibition of clinics on the ground floor.
Parking,								P	P ¹⁸	P ¹⁸	P		¹⁸ In Metro Everett, surface parking lots prohibited as



USE	R-S	R-1	R-2	R-2(A)	UR3	UR4	NB	B	MU	LI1 LI2	HI	AG	SPECIAL REGULATIONS
COMMERCIAL USES	(See EMC 19.39.060, Performance regulations—General, regarding requirements to prevent nuisance impacts.)												
commercial— applicable if principal use													a principal use.
Retail sales and service						A ¹ ₁₉	P ¹⁹	P ¹⁹	P ¹⁹	P ¹⁹ ₂₀	P ²⁰		¹ Permitted only on designated residential mixed-use corridor or TOD streets. The use must be located on the ground floor of a residential mixed-use development with no less than 50% of the gross floor area used for single-family or multifamily residential uses. ¹⁹ On TOD or pedestrian streets: Pawnshops, secondhand stores, thrift stores, and junk stores are a prohibited use on the ground floor. ²⁰ Permitted as an accessory use for those products produced on premises; up to but no more than 75% of goods sold may be produced off site and by other producers.
Storage, commercial— enclosed in building (e.g., mini-storage)								P	A ²¹	P ²¹	P		²¹ TOD or pedestrian streets: prohibited use on the ground floor.
Storage, commercial—not enclosed in building (e.g., boat or RV storage)								P ⁴		P ⁴	P		⁴ TOD or pedestrian streets: prohibited use
Veterinary clinic or animal day care— limited to small							P ²³	P	P ²²	P ²²			Outside runs or other outside facilities for animals are not permitted. Buildings shall be constructed so noise from this use is not audible on residentially



USE	R-S	R-1	R-2	R-2(A)	UR3	UR4	NB	B	MU	LI1 LI2	HI	AG	SPECIAL REGULATIONS
COMMERCIAL USES	(See EMC 19.39.060, Performance regulations—General, regarding requirements to prevent nuisance impacts.)												
animal													zoned lots. ²² In Metro Everett only on TOD or pedestrian streets: prohibited use on the ground floor. ²³ Limited to not more than 20 animals in the neighborhood business zone.
Veterinary clinic or commercial kennels—large animal or commercial kennels								A		A ²²		A	Buildings and outside runs shall be placed and constructed so noise from this use is not audible on residentially zoned lots. ²² In Metro Everett only on TOD or pedestrian streets: prohibited use on the ground floor.

¹ Permitted only on designated residential mixed-use corridor or TOD streets. The use must be located on the ground floor of a residential mixed-use development with no less than fifty percent of the gross floor area used for single-family or multifamily residential uses.

² See Industrial Uses. Alcohol production is allowed as a primary use without the requirement to include a restaurant, retail, or tasting room.

³ In Metro Everett, permitted only in the areas indicated on Map 13-2.

⁴ TOD or pedestrian streets: prohibited use.

⁵ In the B zone, permitted only on Broadway, Evergreen Way, Rucker Avenue, and on Everett Mall Way with the following condition: On Everett Mall Way, minimum lot area for vehicle sales and related/supportive uses is two and one-half acres.

⁶ Reserved.

⁷ Not permitted in the LI1 zone, and in the LI2 zone, only automobile rental is permitted on Airport Road where the minimum lot area for vehicle rental and related/supportive uses is one and one-half acres.

⁸ In the HI zone, light vehicle servicing is permitted only in multiple-tenant building or development.

⁹ Permitted only in the LI1 and HI zones when completely contained within an enclosed building.

¹⁰ Impound, storage and tow yards shall comply with landscaping and screening requirements of Chapter 19.39 EMC.

¹¹ Mini-casinos are also not permitted within the area defined in Map 13-1.

¹² In Metro Everett on TOD or pedestrian streets: Private clubs are a prohibited use on the ground floor.

¹³ Taverns, nightclubs and restaurants with live entertainment prohibited.



¹⁴ Taverns, nightclubs and restaurants with live, amplified entertainment shall be set back a minimum of one hundred feet from any residential zone.

¹⁵ Allowed as an accessory use only.

¹⁶ NB zone: permitted to occupy a maximum of fifty percent of the gross floor area.

¹⁷ In Metro Everett on TOD or pedestrian streets: Clinics, ~~social or human service facilities, or community services~~ are a prohibited use on the ground floor; provided, however, that the following are not considered clinics for the purpose of this restriction: dentists, psychiatrists, chiropractors, physical therapists, optometrists or ophthalmologists.

a) Government public health agency uses providing clinical services shall be deemed to be a permitted use on the ground floor within the MU or LI1/LI2 zone.

b) health events on a property within the MU or LI1/LI2 zone providing clinical health services to the general public, not exceeding three days in duration and occurring not more than once every ninety days, shall be exempt from the prohibition of clinics on the ground floor.

¹⁸ In Metro Everett, surface parking lots prohibited as a principal use.

¹⁹ On TOD or pedestrian streets: Pawnshops, secondhand stores, thrift stores, and junk stores are a prohibited use on the ground floor.

²⁰ Permitted as an accessory use for those products produced on premises; up to but no more than seventy-five percent of goods sold may be produced off site and by other producers.

²¹ TOD or pedestrian streets: prohibited use on the ground floor.

²² In Metro Everett only on TOD or pedestrian streets: prohibited use on the ground floor.

²³ Limited to not more than twenty animals in the neighborhood business zone.



EXHIBIT 3

19.05.110 Table 5-4 (public, institutional, quasi-public use table).

USE	R-S	R-1	R-2	R-2(A)	UR3	UR4	NB	B	MU	LI1 LI2	HI	AG	SPECIAL REGULATIONS
PUBLIC, INSTITUTIONAL AND QUASI-PUBLIC USES													
Cemetery	C	C	C	C	C			A				C	
Community garden	P	P	P	P	P	P	P	P	P	P	P	P	
Food bank							A	P	A ¹	P ¹	P		¹ In Metro Everett on TOD or pedestrian streets: prohibited use on the ground floor.
Government—limited public service (e.g., public works yards, vehicle storage, etc.)					C ²	C ²		P ²	C ²	P	P		² TOD or pedestrian streets: public works yards or vehicle storage prohibited use.
Government, administrative and service					C	C	P	P	P	A	A		
Government, correctional facility									C				See EMC 19.13.130 for jails and correctional facilities.
Hospitals	C	C	C	C	C	C	C	P	A	C			See EMC 19.13.120 for hospitals.
Light rail station								P ³	P ³	P ³	P ³		³ Permitted only by development agreement with approval by city council.
Parks, fire stations	P	P	P	P	P	P	P	P	P	P	P	P	Permitted use if park master plan or capital facility plan approved by Everett city council, otherwise an administrative use.
Religious facility and places	C	C	C	C	C	C ⁴	A ⁴	P ⁴	P ¹	C ¹			See EMC 19.13.080 for churches,



USE	R-S	R-1	R-2	R-2(A)	UR3	UR4	NB	B	MU	LI1 LI2	HI	AG	SPECIAL REGULATIONS
PUBLIC, INSTITUTIONAL AND QUASI-PUBLIC USES													
of worship													<p>religious facilities and places of worship.</p> <p>¹In Metro Everett on TOD or pedestrian streets: prohibited use on the ground floor.</p> <p>⁴TOD or pedestrian streets: prohibited use on the ground floor.</p>
<u>Social Services</u>	<u>P⁸</u>	<u>P⁸</u>	<u>P⁸</u>	<u>P⁸</u>	<u>P⁸</u>	<u>A⁷</u>	<u>P⁹</u>	<u>P</u>	<u>P¹⁰</u>	<u>A¹⁰</u>			<p>⁷Permitted only on designated residential mixed-use corridor or TOD streets. The use must be located on the ground floor of a residential mixed-use development with no less than 50% of the gross floor area used for single-family or multifamily residential uses.</p> <p>⁸ Permitted only as an accessory use in permanent supportive housing facilities, transitional housing facilities, and shelters hosted by a religious organization pursuant to RCW 35.21.915. Services provided on-site shall be limited to residents of the shelter or housing.</p> <p>⁹ May occupy a maximum of fifty percent of the gross floor area.</p> <p>¹⁰ In Metro Everett on TOD or pedestrian streets: prohibited on the ground floor except as an accessory use to emergency housing, indoor</p>



USE	R-S	R-1	R-2	R-2(A)	UR3	UR4	NB	B	MU	LI1 LI2	HI	AG	SPECIAL REGULATIONS
PUBLIC, INSTITUTIONAL AND QUASI-PUBLIC USES													
													<u>emergency shelters, and outdoor emergency shelters.</u>
Schools (public and private)—institutions of higher education			C	C	C	C	P	P	P	A			
Schools (public and private)—elementary, middle and high schools	C	C	A	A	A	A	P	P	P	A			
Solid waste transfer station										C ⁵	C		⁵ TOD or pedestrian streets: prohibited use.
Solid waste—hazardous waste treatment and storage										A ⁵ 6	A ⁶		⁵ TOD or pedestrian streets: prohibited use. ⁶ Any hazardous waste treatment and storage facility over one acre in size is subject to a conditional use permit.
Transit and bicycle facilities —single bus stop with or without shelter —bike rack/repair station	P	P	P	P	P	P	P	P	P	P	P	P	
Transit station—where routes converge for transfers with more than one shelter					C	A	A	P	A	A	A		
Transportation facilities of	C	C	C	C	C	C	A	A	A	A	A	A	



USE	R-S	R-1	R-2	R-2(A)	UR3	UR4	NB	B	MU	LI1 LI2	HI	AG	SPECIAL REGULATIONS
PUBLIC, INSTITUTIONAL AND QUASI-PUBLIC USES													
statewide significance													
Utilities—minor aboveground facilities	P	P	P	P	P	P	P	P	P	P	P	P	See EMC 19.13.020 , Aboveground utility and communications facilities.
Utilities—major aboveground facilities	A	A	A	A	A	A	A	P	P	P	P	P	See EMC 19.13.020 , Aboveground utility and communications facilities.

¹ In Metro Everett only on TOD or pedestrian streets: prohibited use on the ground floor.

² TOD or pedestrian streets: Public works yards or vehicle storage prohibited use.

³ Permitted by development agreement with approval by city council.

⁴ TOD or pedestrian streets: prohibited use on the ground floor.

⁵ TOD or pedestrian streets: prohibited use.

⁶ Any hazardous waste treatment and storage facility over one acre in size is subject to a conditional use permit.

⁷ Permitted only on designated residential mixed-use corridor or TOD streets. The use must be located on the ground floor of a residential mixed-use development with no less than 50% of the gross floor area used for single-family or multifamily residential uses.

⁸ Social services permitted as an accessory use in permanent supportive housing facilities, transitional housing facilities, and shelters hosted by a religious organization pursuant to RCW 35.21.915. Services provided on-site shall be limited to residents of the shelter or housing.

⁹ May occupy a maximum of fifty percent of the gross floor area.

¹⁰ In Metro Everett on TOD or pedestrian streets: prohibited on the ground floor except as an accessory use to emergency housing, indoor emergency shelters, and outdoor emergency shelters.

